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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,448	10/26/2000	David Bruce Kumhyr	AUS9-2000-0499-US1	3531

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EXAMINER
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GROSS, KENNETH A

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 11/14/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/697,448

Applicant(s)

KUMHYR, DAVID BRUCE

Examiner

Kenneth A Gross

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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### DETAILED ACTION

1. The abstract of the disclosure is objected to because the abstract provided in the specification contains more than 150 words. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 6-21, 27-42, and 48-50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 6, 27, and 48 recite the limitation "its associated value". There is insufficient antecedent basis for this limitation in the claim. Claims 7-21, 28-42, and 49-50 are rejected for being dependent on a rejected parent claim.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 22, and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Khoyi et al. (U.S. Patent Number 5,206,951).

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In regard to Claim 1, Khoyi teaches a method invocation which opens a resource file. When code is executed, it is scanned line by line, and when a method is called within the code, a symbol table, which locates the method steps, inherently identifies the method. Khoyi teaches opening the resource file using the method invocation, and detecting if the resource exists or not, hence checking for errors (Column 80, lines 9-19).

In regard to Claim 22, Claim 22 is a product Claim that corresponds with Claim 1. Claim 22 is rejected for the same reasons as Claim 1, where Khoyi teaches a product for carrying out said method of Claim 1 in Figure 1A.

In regard to Claim 43, Claim 43 is a system Claim that corresponds with Claim 1. Claim 43 is rejected for the same reasons as Claim 1, where Khoyi teaches a system for carrying out said method of Claim 1 in Figure 1A.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-7, 23-28, and 44-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khoyi et al. (U.S. Patent Number 5,206,951) in view of "Perl Cookbook" by Tom Christiansen et al., 1998, "Section 7. File Access" (hereinafter Christiansen).

In regard to Claim 2, Khoyi teaches the method of Claim 1, and further teaches scanning the code for a first method signature in the form of the function name (Column

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80, line 9), and scanning code for a pair of string delimiters adjacent to the first method signature in the form of an input parameter declared with the function invocation (Column 80, lines 10-11). Khoyi does not teach that this pair of string delimiters is a key of said first resource file. Christiansen, however, does teach a function for opening a file which takes as a parameter the name of the file, which is seen as a key that associates the name to a specific file (Page 1, Section 7.1.2). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of Claim 1, further scanning the code for a first method signature and scanning code for a pair of string delimiters adjacent to the first method signature, as taught by Khoyi, where the pair of string delimiters is a key to the resource file, since a file ID is needed to locate the specific file to open.

In regard to Claim 3, Khoyi teaches that the function returns the ID of the file in which the resource is found, and hence points to the resource file (Column 80, lines 10-19).

In regard to Claim 4, the examiner takes official notice that a function name is a necessity when a function is invoked, since the name calls the function.

In regard to Claim 5, Christiansen teaches that the name of a file to be opened is the second parameter of the "open" function invocation (Page 1, Section 7.1.2).

In regard to Claim 6, Khoyi teaches determining whether the resource is defined in the resource file (Column 80, lines 10-13).

In regard to Claim 7, Khoyi teaches returning an error if the resource is not found (Column 80, lines 10-13).

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In regard to Claims 23-28, Claims 23-28 are product Claims that correspond with Claims 2-7 respectively. Claims 23-28 are rejected for the same reasons as Claims 2-7 respectively, where Khoyi teaches a product for carrying out said method of Claims 2-7 in Figure 1A.

In regard to Claims 44-49, Claims 44-49 are system Claims that correspond with Claims 2-7 respectively. Claims 44-49 are rejected for the same reasons as Claims 2-7 respectively, where Khoyi teaches a system for carrying out said method of Claims 2-7 in Figure 1A.

7. Claims 8-10, 15-17, 29-31, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khoyi et al. (U.S. Patent Number 5,206,951) in view of "Perl Cookbook" by Tom Christiansen et al., 1998, "Section 7. File Access" (hereinafter Christiansen) and further in view of Pennell (U.S. Patent Number 6,598,181).

In regard to Claim 8, Khoyi and Christiansen teach the method of Claim 6, but do not teach determining whether to scan more code for a second method invocation used to open a second resource file. Pennell, however, does teach making a determination of whether or not to continue scanning code for a function call (Column 5, lines 57-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of Claim 6, where the method further includes determining whether to scan more code for a second method invocation used to open a second resource file, as taught by Pennell, since this allows function invocations that exist in code and have not yet been run to be identified and run. Claim 15 recites limitations that have already been addressed in Claim 8 and is rejected for the same reasons as Claim 8.

In regard to Claim 9, Pennell teaches scanning code from a second method invocation (Column 5, lines 47-67). Claim 16 recites limitations that have already been addressed in Claim 9 and is rejected for the same reasons as Claim 9.

In regard to Claim 10, Khoyi teaches a method invocation which opens a resource file. When a method is called within the code, a symbol table, which locates the method steps, inherently identifies the method. Khoyi teaches opening the resource file using the method invocation, and detecting if the resource exists or not, hence checking for errors (Column 80, lines 9-19). Claim 17 recites limitations that have already been addressed in Claim 10 and is rejected for the same reasons as Claim 10.

In regard to Claims 29-31 and Claims 36-38, Claims 29-31 and 36-38 are product Claims that correspond with Claims 8-10 and 15-17 respectively. Claims 29-31 and 36-38 are rejected for the same reasons as Claims 8-10 and 15-17 respectively, where Khoyi teaches a product for carrying out said method of Claims 8-10 and 15-17 in Figure 1A.

In regard to Claim 50, Claim 50 is a system Claim that corresponds with Claim 8. Claim 50 is rejected for the same reasons as Claim 8, where Khoyi teaches a system for carrying out said method of Claim 8 in Figure 1A.

8. Claims 11-14, 18-21, 32-35, and 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khoyi et al. (U.S. Patent Number 5,206,951) in view of "Perl Cookbook" by Tom Christiansen et al., 1998, "Section 7. File Access" (hereinafter Christiansen) and further in view of Pennell (U.S. Patent Number 6,598,181) and Stark (U.S. Patent Number 5,935,210).

In regard to Claim 11, Khoyi, Christiansen, and Pernell teach the method of Claim 9, but do not teach generating a report. Stark, however, does teach generating a report

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(Column 9, lines 25-32). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of Claim 9, where the method further includes generating a report, since this allows users to view information regarding the resource function call. Claims 13, 18, and 20 correspond directly with Claim 11 and are rejected for the same reasons as Claim 11.

In regard to Claim 12, Stark teaches that the report comprises a listing of all resource errors detected (Column 9, lines 21-32). Claims 14, 19, and 21 correspond directly with Claim 12 and are rejected for the same reasons as Claim 12.

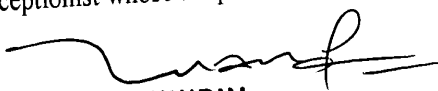
In regard to Claims 32-35 and 39-42, Claims 32-35 and 39-42 are product Claims that correspond with Claims 11-14 and 18-21 respectively. Claims 32-35 and 39-42 are rejected for the same reasons as Claims 11-14 and 18-21 respectively, where Khoyi teaches a product for carrying out said method of Claims 11-14 and 18-21 in Figure 1A.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth A Gross whose telephone number is (703) 305-0542. The examiner can normally be reached on Mon-Fri 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
**TUAN DAM**  
**SUPERVISORY PATENT EXAMINER**